IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE FOURTEENTH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI DEVINDER GUPTA, THE CHIEF JUSTICE

and
THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 11464 of 2004

Between:

Kanchan Srinivas S/o. Sattaiah
Residing at Krishnanagar Yousufguda, Hyderabad.

..... PETITIONER

AND

State Bank of Hyderabad, represented by its Chief Manager
Main Branch, Nizamabad, Nizamabad District.

.....RESPONDENT

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ of Prohibition or any other appropriate writ, order or direction, declaring that the Debt Recovery Tribunal, Hyderabad does not have jurisdiction to proceed against the petitioner as the amount due from the petitioner is only Rs.2,08,806/- and quash the proceedings in O.A.No.152 of 2000 on the file of the Debt Recovery Tribunal at Hyderabad against the petitioner.

Counsel for the Petitioner: MR.N.NARASIMHA RAO

Counsel for the Respondent: None appeared.

The Court, at the admission stage, made the following :

O R D E R :

The Petitioner is questioning the action of respondent in taking out proceedings against him before the Debts Recovery Tribunal under the provisions of the Recovery of Debts due to Banks and Financial Institutions Act, 1993, alleging that the Debts Recovery Tribunal has no jurisdiction to hear and entertain claim against the petitioner which is less than Rs.10,00,000/-. We have gone through the copy of O.A.No.152 of 2000 on the record of the Debts Recovery Tribunal, A.P. at Hyderabad. As a matter fact, such an objection of want of inherent jurisdiction has also to be taken before the same Tribunal. Only decision, if any, arrived at by the Tribunal on its own jurisdiction to entertain the claim against the petitioner, may be amenable to writ jurisdiction. At this stage, it may not be appropriate for us to entertain this petition.

Leave and liberty is granted to the petitioner to challenge the decision of the Debts Recovery Tribunal on the question of its jurisdiction.

The Writ Petition is accordingly disposed of.

(DEVINDER GUPTA, CJ)

14.07.2004

(G.ROHINI ,J)

Copy to:

1)The Presiding Officer, Debts Recovery Tribunal, A.P. at Hyderabad.

2) The Chief Manager, State Bank of Hyderabad,
Main Branch, Nizamabad, Nizamabad District.

3) Two CD copies.

NMR/DRK